

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                                  |   |                 |
|----------------------------------|---|-----------------|
| MALEAH TOOLEY,                   | ) |                 |
|                                  | ) |                 |
| Plaintiff,                       | ) |                 |
|                                  | ) |                 |
| v.                               | ) | No.: 3:10-CV-11 |
|                                  | ) | (VARLAN/GUYTON) |
| MICHAEL J. ASTRUE,               | ) |                 |
| Commissioner of Social Security, | ) |                 |
|                                  | ) |                 |
| Defendant.                       | ) |                 |

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on January 19, 2011 [Doc. 22]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommended that defendant Commissioner's motion for summary judgment [Doc. 20] be granted, and that plaintiff's motion for summary judgment [Doc. 13] be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 22]. Additionally, it is **ORDERED** that defendant

Commissioner's motion for summary judgment [Doc. 20] be **GRANTED**, and that plaintiff's motion for summary judgment [Doc. 13] be **DENIED**. Defendant Commissioner's decision in this case denying plaintiff's applications for supplemental security income and disability insurance benefits is **AFFIRMED**. The case is **DISMISSED**, and the Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE